

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

ADRIAN ARAQUE and MARIELA
DEL ROSAIRO, his wife

Plaintiffs

v.

YORK VILLAGE APARTMENTS aka
CENTRAL PARK TOWNHOMES, aka
CENTRAL PARK TOWN HOMES, aka
CEDAR VILLAGE TOWNHOUSE
APARTMENTS, LCL MANAGEMENT
and YORK ASSOCIATES aka YORK
COLONIAL ASSOCIATES,

Defendants

C. A. No. _____

JURY TRIAL DEMANDED

COMPLAINT-NEGLIGENCE

1. Plaintiffs are adult individuals and husband and wife who reside 3433 Fox Crossing Drive, Kissimmee, FL 34741.

2. Defendants York Village Apartments aka Central Park Townhomes, aka Central Park Town Homes, aka Cedar Village Townhouse Apartments, is a business entity organized and existing under the laws of a governmental unit other than the State of Florida, has its principal place of business in a State other than and is, therefore, a citizen of a State other than the State of Florida and maintains a place of business at 217 Cedar Village Drive, York, PA 17406-3074.

3. Defendant LCL Management is a business entity organized and existing under the laws of a governmental unit other than the State of Florida, has its principal place of business in a State other than and is, therefore, a citizen of a State other than the

State of Florida and maintains a place of business at 217 Cedar Village Drive, York, PA 17406-3074.

4. Defendant York Associates aka York Colonial Associates is a business entity organized and existing under the laws of a governmental unit other than the State of Florida, has its principal place of business in a State other than and is, therefore, a citizen of a State other than the State of Florida and maintains a place of business at 217 Cedar Village Drive, York, PA 17406-3074.

5. This Court has subject matter jurisdiction under 28 U.S.C. § 1332, because there is diversity of citizenship and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

6. Venue is proper in this District under 28 U.S.C. § 1391(a), because a substantial part of the events giving rise to Plaintiffs' claims occurred in this District.

7. At all time material hereto, Defendants were acting through their agents, servants, workmen or employees.

8. At all time material hereto, Defendants York Village Apartments aka Central Park Townhomes, aka Central Park Town Homes, aka Cedar Village Townhouse Apartments was the owner or manager of an apartment at 128 Cedar Village Drive, York, PA 17406.

9. At all time material hereto, Defendants LCL Management and York Associates aka York Colonial Associates were the owners

or managers of an apartment at 128 Cedar Village Drive, York, PA 17406 or agents for said owners or managers.

10. At all time material hereto, Plaintiffs were tenants of Defendants at 128 Cedar Village Drive, York, PA 17406.

11. On or about November 1, 2008, at or about 8:15 a.m., Plaintiff Adrian Araque was descending the stairs at his leased dwelling when his right knee gave out and he fell down four steps to the floor rupturing the quadriceps tendon in each leg.

12. At the time of Plaintiff's fall, there was no railing for Plaintiff to hold onto as he descended the stairs which he could have used to prevent his fall.

13. The aforesaid incident was caused by the carelessness, recklessness and negligence of Defendant.

COUNT I

(Adrian Araque v. Defendants)

14. Plaintiff incorporates all preceding paragraphs as though the same were set forth herein at length.

15. As a result of the aforesaid incident, Plaintiff has endured and will continue to endure excruciating pain, suffering, embarrassment and humiliation.

16. As a result of the aforesaid incident, Plaintiff has been greatly scarred and disfigured and suffered a permanent disability to his body as a whole.

17. As a result of the aforesaid incident, Plaintiff has sustained a loss of income and income-earning capacity.

18. As a result of the aforesaid incident, Plaintiff has sustained a loss of the society of his wife.

19. As a result of the aforesaid incident, Plaintiff has suffered and will continue to suffer a loss of the pleasures of life.

WHEREFORE, Plaintiff Adrian Araque demands judgment against Defendants jointly and severally in an amount in excess of the jurisdictional limits requiring referral to arbitration plus interest, costs and fees as allowed by law.

COUNT II

(Mariela del Rosairo v. Defendant)

20. Plaintiff incorporates all preceding paragraphs as though the same were set forth herein at length.

21. As a result of the aforesaid incident, Plaintiff has sustained a loss of the society, services and companionship of her husband, Adrian Araque.

WHEREFORE, Plaintiff Mariela del Rosairo demands judgment against Defendants jointly and severally in an amount in excess of the jurisdictional limits requiring referral to arbitration plus interest, costs and fees as allowed by law.

SOREN P. WEST LAW OFFICES

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By: S/ Soren P. West
Soren P. West, #08223
Attorneys for Plaintiff
319 North Duke Street
Lancaster, PA 17602-4930
(717) 295-7272